

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 61- 64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 61 it is not clear if applicant is claiming the intermediate conveying assembly is mounted within the aircraft or not. The word "disposed " is ambiguous at best in terms of the structure of the device. The claim as written can mean the intermediate conveyor is mounted in the aircraft and extends from the aircraft, or that it is ground based and extends into the aircraft. The later is how the invention is disclosed in the specification, Other wise the transverse conveyor would not be connected to the tarmac conveyor as shown and disclosed. Clarification is required.

Regarding claim 62 it is unclear which conveyor is length adjustable. In claim 61 two conveyors are presented, labeling the extendable conveyor as either the transverse or longitudinal as appropriate will render this rejection moot provided it is in agreement with the specification.

Regarding claim 64 it is not clear if the system encompasses the tarmac conveyor or not as only functional language is presented regarding the relationship

between the system and the ground conveyor. Writing the claim such that it is clear that the system comprises a tarmac conveyor will render this rejection moot.

Response to Amendment

The amendments to the claims filed on March 17, 2010 have been entered into the record. It is noted the claims as originally filed had a numbering error which was corrected with an additional filing of properly numbered claims also on the same date.

Response to Arguments

Applicant's arguments with respect to claims 61-64 have been considered but are moot in view of the new ground(s) of rejection. All previous claims were cancelled in the pending amendment and new claims presented.

This second final office action is being filed to clarify the withdrawing of the previously acknowledged allowable subject matter. The examiner had erred in his thinking as to what was being actually claimed by the applicant. The error was based upon reading limitations into the claims which were not there as came to light when applicant filed after final amendments clarifying the issues. As such as it stands the claims are so indefinite as to be able to determine what structure the applicant wishes protection for.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES A. FOX whose telephone number is (571)272-6923. The examiner can normally be reached on Mon,Tues.,Thurs. Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/CHARLES A. FOX/
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